

DOUGLAS L. HENDRICKS (SBN 83611), dhendricks@mofo.com  
BRIAN L. LEVINE (SBN 246726), blevine@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

Attorneys for Plaintiffs

DANIEL T. MCCLOSKEY (SBN 191944), [mccloskeyd@gtlaw.com](mailto:mccloskeyd@gtlaw.com)  
DAVID J. PEREZ (SBN 238136), [perezdj@gtlaw.com](mailto:perezdj@gtlaw.com)  
GREENBERG TRAURIG LLP  
1900 University Avenue, 5th Floor  
East Palo Alto, California 94304  
Telephone: (650) 289-8500  
Facsimile: (650) 328-8508

RICHARD D. HARRIS (admitted *pro hac vice*), harrisr@gtlaw.com  
HERBERT H. FINN (admitted *pro hac vice*), finnh@gtlaw.com  
KEVIN J. O'SHEA (admitted *pro hac vice*), osheak@gtlaw.com  
JAMES J. LUKAS, JR. (admitted *pro hac vice*), lukasj@gtlaw.com  
GREENBERG TRAURIG LLP  
77 West Wacker Drive, Suite 2500  
Chicago, Illinois 60601  
Telephone: (312) 456-8400  
Facsimile: (312) 456-8435

### Attorneys for Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

REARDEN LLC, a California limited liability company; REARDEN PRODUCTIONS LLC, a California limited liability company; REARDEN STUDIOS LLC, a California limited liability company; REARDEN, INC., a California corporation; and REARDEN PROPERTIES LLC, a California limited liability company,

**Plaintiffs,**

v.

REARDEN COMMERCE, INC., a California corporation, and DOES 1 through 150, inclusive,

## Defendants.

Case No. C 06-07367 MHP

**STIPULATION AND  
[PROPOSED] ORDER  
MODIFYING COURT'S ORDER  
OF AUGUST 23, 2010 STAYING  
EXECUTION OF JUDGMENT  
AND APPROVING POSTING OF  
SUPERSEDEAS BOND**

Dept.: Courtroom 15, 18th Floor  
Before: Hon. Marilyn H. Patel

1       The parties, through their respective undersigned counsel, hereby stipulate pursuant to  
2 Local Rule 7-12 and Federal Rule of Civil Procedure 62(d) as follows:

3       WHEREAS, on August 20, 2010, the parties filed a stipulation and proposed order with  
4 this Court to stay execution of judgment for payment of costs upon posting of supersedeas bond  
5 (Dkt. 288);

6       WHEREAS, the stipulation stated that immediately upon the filing by Plaintiffs of a  
7 supersedeas bond in an amount of not less than \$35,770.12, the judgment for costs in the amount  
8 of \$35,770.12 shall be entered in favor of Defendant Rearden Commerce, payment of which to  
9 Defendant by Plaintiffs shall be stayed pursuant to FRCP 62(d), until the mandate is issued by the  
10 United States Court of Appeals for the Ninth Circuit;

11       WHEREAS, on August 23, 2010, the Court approved the parties' stipulation;

12       WHEREAS, the parties request that the Court modify the August 23, 2010 order to allow,  
13 as an alternative, that Plaintiffs may in lieu of the supersedeas bond deposit with the court cash  
14 collateral in an amount of not less than \$35,770.12;

15       IT IS HEREBY STIPULATED that:

16       The Order of August 23, 2010, may be modified to read as follows: "Immediately upon  
17 the filing by Plaintiffs of a supersedeas bond in an amount of not less than \$35,770.12, **or upon**  
18 **the deposit with the Court of cash or certified funds in an amount of not less than**  
19 **\$35,770.12**, the judgment for costs in the amount of \$35,770.12 shall be entered in favor of  
20 Defendant Rearden Commerce, payment of which to Defendant by Plaintiffs shall be stayed  
21 pursuant to FRCP 62(d), until the mandate is issued by the United States Court of Appeals for the  
22 Ninth Circuit."

1 Dated: August 30, 2010

MORRISON & FOERSTER LLP

2  
3 By: /s/ Douglas L. Hendricks  
4 DOUGLAS L. HENDRICKS

5 Attorneys for Plaintiffs

6 Dated: August 30, 2010

7 GREENBERG TRAURIG LLP

8 By: /s/ Kevin J. O'Shea  
9 KEVIN J. O'SHEA

10 Attorneys for Defendant

11 I, Douglas L. Hendricks, am the ECF User whose ID and password are being used to file  
12 this **STIPULATION AND [PROPOSED] ORDER MODIFYING COURT'S ORDER OF**  
13 **AUGUST 23, 2010 STAYING EXECUTION OF JUDGMENT AND APPROVING**  
14 **POSTING OF SUPERSEDEAS BOND.** In compliance with General Order 45, X.B., I hereby  
15 attest that Kevin J. O'Shea has concurred in this filing.

16 Dated: August 30, 2010

MORRISON & FOERSTER LLP

17  
18 By: /s/ Douglas L. Hendricks  
19 DOUGLAS L. HENDRICKS

20 Attorneys for Plaintiffs

21  
22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Dated: 8/31, 2010

24  
25 THE HON. MARILYN H. PATEL  
26 U.S. DISTRICT COURT JUDGE  
27  
28